

BOARD OF TRUSTEES
EDWIN H. HUMPHREY
MARY MAKLEY WOLFF
KENDAL A. TRACY

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
DAVID DUCKWORTH



MIAMI TOWNSHIP

6101 MEIJER DRIVE – MILFORD, OH 45150-2189

ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE / EMS
248-3700
PARKS / RECREATION
248-3727

RESOLUTION 2008 - 18

The Board of Trustees of Miami Township, Clermont County, Ohio met in special session at the Miami Township Civic Building on May 20, 2008 with the following members present: Edwin H. Humphrey, Mary Makley Wolff and Ken Tracy.

MRS. WOLFF made a motion to adopt the following Resolution:

**RESOLUTION DETERMINING THE VIDEO SERVICE PROVIDER FEE
TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO
SERVICE IN THE TOWNSHIP PURSUANT TO A VIDEO SERVICE
AUTHORIZATION; AUTHORIZING THE TOWNSHIP
ADMINISTRATOR TO GIVE NOTICE TO THE VIDEO SERVICE
PROVIDER OF THE VIDEO SERVICE PROVIDER FEE**

WHEREAS, the General Assembly enacted Section 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and / or other video service, which will substantially reduce Miami Township's traditional franchising authority to regulate cable and / or video service offered in Miami Township using facilities located in the Township's public rights-of-way;

WHEREAS, pursuant to O.R.C. Section 1332.23, any new video service provider intending to provide video service to subscribers in the Township must apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce;

WHEREAS, O.R.C. Section 1332.23 also permits a cable operator with an effective franchise agreement to terminate its franchise with the Township, at its option, by applying for a state-issued video service authorization when a competitive video service provider either gives notice that it will begin providing service to subscribers in the Township or actually begins providing service to subscribers in the Township, or if the Federal Communications Commission ("FCC") determines that the cable operator is subject to "effective competition" in the Township pursuant to 47 CFR 76.907;

WHEREAS, under O.R.C. Section 1332.32, a video service provider that is providing service to subscribers in the Township pursuant to a state-issued video service authorization must pay the Township a video service provider fee ("VSP Fee") based on a percentage of the provider's "gross revenues" derived from providing video service in the Township, not to exceed five percent (5%) of such revenues;

WHEREAS, O.R.C. Section 1332.32(C)(2) further requires the Township to provide all video service providers offering service in the Township with notice of the VSP Fee requirements within ten (10) days of receiving notice from the video service provider that it will begin offering service in the Township, or the video service provider is not required to pay the VSP Fee to the Township;

WHEREAS, the Township finds it necessary to authorize the Township Administrator to provide notice of the VSP Fee to a video service provider within ten (10) days of the Township receiving notice that a video service provider will begin providing service in the Township; and

WHEREAS, in order to minimize the negative financial impact on the Township, it is the intent of this Board to charge the Video Service Provider Fee with the most expansive definition of Gross Revenues allowed by law

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Sections 1332.21 through 1332.34 of the Ohio Revised Code, as follows:

SECTION 1: That in accordance with the requirements of O.R.C. 1332.32, all video service providers providing video service in the Township pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay Video Service Provider Fees ("VSP Fees") in the amount of five percent (5%) of gross revenues received from providing video service in the Township, which gross revenue base shall include advertising revenues. The VSP Fee shall be paid quarterly, not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

SECTION 2: That, no later than ten (10) days from receipt of notice from a video service provider that it will begin providing video service in the Township pursuant to a state-issued video service authorization, the Township Administrator is authorized and directed to provide such video service provider with notice of the VSP Fee as determined by this Board above, which notice shall be given by certified mail.

SECTION 3: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

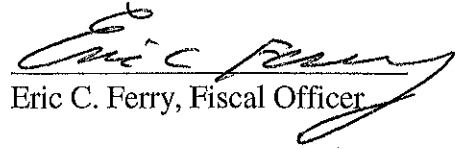
SECTION 4: This Resolution shall take effect at the earliest period allowed by law.

MR. TRACY seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mr. Humphrey	<u>AYE</u>
Mrs. Wolff	<u>AYE</u>
Mr. Tracy	<u>AYE</u>

Resolution 2008-18 adopted May 20, 2008

ATTEST:


Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:


John C. Korfhagen,
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric C. Ferry, Fiscal Officer